

REMARKS

Claims 2, 3, 6, 9, 10, 13, 16, 17, and 20 have been canceled. Claims 1, 4, 5, 7, 8, 11, 12, 14, 15, 18, 19 and 21 have been amended and remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 112, Second Paragraph Rejections:

The Office Action rejected claims 1-21 under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Examiner asserted that it is unclear whether the recitation of “a given file” in claims 1, 8 and 15 is included in the recitation of “a plurality of files.” To clarify, Applicants have amended instances of “a given file” in claims 1, 8, and 15 to recite “a given one of said plurality of files.” Applicants submit that in view of this amendment, the rejection has been overcome and respectfully request that it be withdrawn.

Section 101 Rejections:

The Office Action rejected claims 15-21 under 35 U.S.C. § 101 as “failing to produce a useful concrete and tangible result” in that the description in the specification of a computer-accessible medium as recited in these claims includes non-tangible transmission media. Applicants have amended pending claims 15, 18, 19 and 21 to further characterize the recited medium as a tangible, computer-accessible storage medium. Applicants submit that in view of this amendment, the rejection has been overcome and respectfully request that it be withdrawn.

Allowable Subject Matter:

The Office Action indicated that claims 6 and 13 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph rejection and to include the limitations of the base claim and any intervening claims.

Section 102(e) and 103(a) Rejections:

The Office Action rejected claims 1-3, 5, 8-10, 12, 15-17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Belu (U.S. Patent 6,522,268) (hereinafter, “Belu”), claims 4, 11 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Belu in view of Turini (“Win 32 process suspend/resume tool”), and claims 7, 14 and 21 as being unpatentable over Belu in view of Li et al. (“The Similarity Metric”). Although Applicants traverse these rejections, in order to expedite issuance of a patent, Applicants have amended independent claims 1 and 8 to recite the limitations included in claims 6 and 13, which were indicated as allowable by the Examiner, as well as intervening dependent claims 3 and 10. While the Examiner did not specifically indicate claim 20 as allowable, Applicants note that claim 20 recites limitations similar to allowable claims 6 and 13, and have correspondingly amended independent claim 15 to recite the limitations of claim 20 and intervening dependent claim 17. Accordingly, Applicants submit that independent claims 1, 8 and 15 are in condition for allowance, as are those pending claims depending from claims 1, 8 and 15.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-16200/BNK.

Respectfully submitted,



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